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In re Application of TAUFENBACH
U.S. Application No.: 09/831,698
Int. Application No.: PCT/DE99/03570
Int. Filing Date: 09 November 1999
Priority Date: 13 November 1998
Attorney Docket No.: 6056-000040
For: CO₂ SLAB LASER

COMMUNICATION

This is in response to applicant's "Response to Decision of PCT Legal Office" filed 26 September 2002.

BACKGROUND

On 09 November 1999, applicant filed international application PCT/DE99/03570, which claimed priority of an earlier Germany application filed 13 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 05 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2001 (13 May 2001 was a Sunday).

On 11 May 2001, applicant filed a Transmittal Letter concerning a filing under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). The submission did not include the requisite basic national fee.

On 15 June 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to pay the basic national fee.

On 22 June 2001, applicant filed a petition under 37 CFR 1.137(b).

On 02 November 2001, this Office mailed a decision granting the 22 June 2001 petition.

On 05 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that a translation of the international application into English and an oath or declaration in compliance with 37 CFR 1.497 must be submitted.

On 08 January 2002, applicant filed a response to the Notification of Missing Requirements. The response included a purported translation of the international application into English and a copy of an executed declaration allegedly filed on 15 August 2001.

On 28 January 2002, the DO/EO/US mailed a Notification of Abandonment, which indicated that the present application is abandoned for failure to pay the full basic national fee.

On 25 February 2002, applicant filed a request to have the holding of abandonment withdrawn.

On 27 March 2002, this Office mailed a decision granting the 25 February 2002 request and requiring applicant to furnish a proper translation of the international application into English.

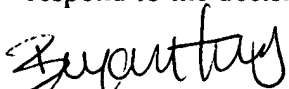
On 26 September 2002, applicant filed the present response, including a translation of the international application into English.

DISCUSSION

The decision mailed 27 March 2002 states that a translation must be furnished within two months from the mail date of the decision. The decision further states that the time period for response may be extended up to the limit set forth in the Notification of Missing Requirements mailed 05 November 2001. The deadline for response to the Notification of Missing Requirements, i.e. 05 January 2002, was extendable by five months until 05 June 2002. However, applicant did not file the translation until 26 September 2002. Therefore, the application became abandoned at midnight on 05 June 2002.

CONCLUSION

The application is being forwarded to the DO/EO/US for processing in accordance with this decision, including preparation and mailing of a Notification of Abandonment (Form PCT/DO/EO/909), which should indicate that the application is abandoned for failure to timely respond to the decision mailed 27 March 2002.



Bryan Tung
PCT Legal Examiner
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